REMARKS/ARGUMENTS

Applicant has reviewed the Office Action dated as mailed February 1, 2006 and the documents cited therewith. After the above amendments have been made, the present application contains claims 1-105. Claims 16-92 have been withdrawn from consideration based on an earlier restriction (election) requirement. Claims 1 and 4 have been amended. Claims 93-105 have been added.

Claim Rejections – 35 USC § 102

Claims 1-4 and 13-15 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,843,209 to Milligan ("Milligan"). This rejection is respectfully traversed.

Claim 1 has been amended to recite:

> "a plurality of energy beam transfer devices operatively connectable to the energy beam source and disposable relative to a single workpiece to be processed, to direct the energy beam in a predetermined pattern on the workpiece."

In contrast, Milligan in column 5 at lines 49-54 which refer to Figure 1 of Milligan recites:

> "The output of the Nd:YAG laser 12 is coupled into the fiber optic multiplexer controller 14 where it is divided and fed into multiple fiber optic lines 130, 132, 134, 136 and 138, as illustrated in FIG.1, which deliver laser output to a plurality of work stations."

And Milligan in column 3, lines 37-42 referring to Figure 2 recites:

> "The work station includes a base 20, an x-y axis positioning table 22, a support post 24, an upper clamp base 25, and a lower clamp base 26 affixed over the support post 24. A stylus support arm 30, holding a fiber optic laser stylus 32, is affixed to a mounting bracket 34."

Milligan in column 4, lines 36-42 further recites:

> "A laser beam 122, emitted from the fiber optic laser stylus 32, penetrates the lens optic 100 to heat both the end portion of the haptic 102 engaged in haptic hole 112 and the cylindrical surfaces of the haptic hole 112 to fuse and unite the outer cylindrical surface of the haptic 102 to the cylindrical surfaces of haptic hole 112."

Accordingly, Milligan teaches that the laser output is delivered to a plurality of work stations and each work station has only a single fiber optic stylus to emit the laser beam as clearly shown in Figures 1-4 of Milligan. Milligan does not teach or suggest a plurality of energy beam transfer devices operatively connectable to the energy beam source and disposable relative to a single workpiece to be processed as provided by the present invention as recited in amended claim 1. Therefore, claim 1 is submitted to be patentably distinguishable over Milligan and reconsideration and withdrawal of the 35 U.S.C. §102(a) rejection of independent claim 1 is respectfully requested.

With respect to the rejection of claims 2-4 and 13-15, these claims recite additional features which further patentably distinguish over Milligan. Applicant respectfully submits that that a device adapted to operate in at least one of substantially a vacuum and substantially a zero gravity environment as recited in claim 13 does impart a patentable feature in that the device has been formed to operate under such conditions or environment that is not taught or suggested in the documents of record. Similarly, the workpiece comprising a component of an aerospace vehicle as recited in clam 14 indicates that the device of the present invention has features not taught or suggested by the documents of record that allow the present invention to be used in such applications.

Claim 15 recites "wherein the predetermined pattern is substantially completely around the exterior surface of the workpiece." Applicant respectfully submits there is no teaching or suggestion in Milligan of directing the energy beam in a predetermined pattern that is substantially completely around the exterior surface of the workpiece as provided by the present invention as recited in claim 15.

Moreover, claims 2-4 and 13-15 depend either directly or indirectly from allowable claim 1. Because of that dependency claims 2-4 and 13-15 contain all of the features of independent claim 1. Therefore claims 2-4 and 13-15 are also submitted to be patentably distinguishable over Milligan, and reconsideration and withdrawal of the 35 U.S.C. §102 rejection of these claims is respectfully solicited.

Claim Rejections – 35 USC § 103

Claims 5-12 were rejected under 35 U.S.C. §103(a) as being unpatentable over Milligan in view of U.S. Patent No. 6,918,905 to Neuberger ("Neuberger"). This rejection is respectfully traversed. Applicant respectfully submits that this rejection under 35 U.S.C. §103 does not follow the M.P.E.P.§ 706.02(j) which states:

> "After indicating that the rejection is under 35 U.S.C. §103, the examiner should set forth in the Office Action:...(B) the difference or differences in the claim over the applied reference(s), (C) the proposed modification of the applied reference(s) necessary to arrive at the claimed subject matter, and (D) an explanation of why one of ordinary skill in the art at the time the invention was made would have been motivated to make the proposed modification... the teaching or suggestion to make the claimed combination and the reasonable expectation of the success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)."

As discussed in detail below, Applicant respectfully submits that there is no teaching or suggestion in Milligan and Neuberger that their teachings may be combined so as to provide the present invention as recited in the claims and such motivation only comes from Applicant's disclosure. This approach constitutes impermissible hindsight and must be avoided. Milligan discloses a method and apparatus for laser staking of a haptic to an optic of an intraocular lens. As indicated above from the column 4 lines 36-42 recitation of Milligan, a laser beam emitted from the fiber optic laser stylus 32 penetrates the lens optic to heat both the end portion of the

haptic 102 engaged in haptic hole 112 and the cylindrical surfaces of the haptic hole 112 to fuse and unite the outer cylindrical surface of the haptic 102 to the cylindrical surfaces of the haptic hole 112. Thus Milligan is fusing, uniting or joining two surfaces together. Contrary to Milligan, Neuberger discloses a monolithic irradiation handpiece that is useful for a broad variety of laser applications, including treatment of dermatological diseases and paint removal (Abstract of Neuberger). The invention of Milligan is used to join delicate optical components and there would be no expectation of debris or material being removed as in the Neuberger invention. Accordingly, a person of ordinary skill in the art would not be motivated to combine the teaching of Milligan and Neuberger.

Even if it were proper to combine the teaching of Neuberger with Milligan, they still would not provide the present invention as recited in the claims. Claims 5-12 recite features that are neither taught nor suggested by the documents of record. Applicant disagrees that multiple devices, location pins, and levers for tool operation are well known working features and the incorporation thereof into a housing or workpiece holder such as Milligan and Neuberger would have been obvious to a person having ordinary skill in the art at the time the present invention was made. Applicant respectfully submits that this rejection is improper under M.P.E.P. § 706.02. No documents are cited to support this assertion. There is no explanation of how Milligan or Neuberger would be modified to provide the present invention as recited in the claims and there is no explanation of why one would be motivated to make the proposed modification. Applicant respectfully submits that the present invention, as recited in the claims, includes features that are novel and unobvious.

Additionally, claims 5-12 depend either directly or indirectly from independent claim 1. By virtue of that dependency, claims 5-12 contain all of the features of claim 1. Applicant

respectfully submits that Neuberger adds nothing to the teaching of Milligan so as to render independent claim 1 unpatentable. For all of the reasons discussed above, Applicant submits that claims 5-12 are patentably distinct over Milligan and Neuberger, whether considered individually or combined, and reconsideration and withdrawal of the 35 U.S.C. §103 rejection of these claims is requested.

New claims 93-105 recite features that are neither taught nor suggested by any of the documents of record. Therefore, these claims are submitted to be patentable and allowance thereof is respectfully solicited. Support for these amendments may be found in Figures 1-4 and associated portions of the specification.

Conclusion

For the foregoing reasons, the Applicant respectfully submits that all of the claims in the present application are in condition for allowance. Reconsideration and withdrawal of the rejections and allowance of the claims at the earliest possible date are respectfully solicited.

If the Examiner has any questions about the present Amendment or anticipates finally rejecting any claim of the present application, a telephone interview is requested. If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 13-4365.

Respectfully submitted,

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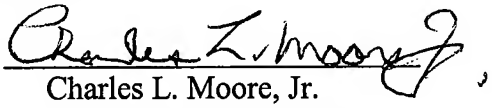
By: 

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